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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,755	06/30/2003	Michael F. Ludwig	BOEI-1-1188	5039
7590	12/21/2005		EXAMINER	
Frank J. Bozzo BLACK LOWE & GRAHAM PLLC 816 Second Avenue Seattle, WA 98104			PYO, MONICA M	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,755	Applicant(s) LUDWIG ET AL.	
	Examiner Monica M. Pyo	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-57 are present for examination.
2. Claims 1-57 are rejected.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 11/18/2003 was filed. Accordingly, the information disclosure statement is being considered by the examiner. However, the examiner requests for an explanation of the relevancy of the submitted "Mast Test Plan" document to the applicant's invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 16 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1, 16 and 28, the term "test plan listing" in claims 1, 16 and 28 is a relative term which renders the claim indefinite. The term "test plan listing" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the examining purpose, the examiner will treat the term "test plan listing" as the list contained within the test plan document.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-57 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,701,514 issued to Haswell et al. (hereafter Haswell).

Claim 1:

Regarding Claim 1, Haswell discloses a method for generating a test plan document for governing adherence with project specifications, the method comprising (col. 2, lns. 22-53):

- storing in a test plan database a plurality of verification activities for monitoring adherence with project specifications (col. 59, lns. 35-48; col. 73, lns. 52-56);
- entering references to the project specifications into the test plan database (col. 59, lns. 49-63; col. 73, lns. 20-22 – Haswell illustrates the <user requirements> corresponding to project specifications);
- providing access to the test plan database to a plurality of users (col. 73, lns. 56-61);
- updating the test plan database based on input from the plurality of users (col. 74, lns. 16-35); and

- generating a test plan listing at least one of the verification activities stored from the test plan database (col. 73, lns. 20-29; col. 74, lns. 38-47).

Claim 2:

Regarding Claim 2, Haswell discloses all the limitation of Claim 1, *supra*. Additionally, Haswell discloses: wherein the test plan database is maintained by a database manager program (col. 49, lns. 58-67).

Claim 3:

Regarding Claim 3, Haswell discloses all the limitation of Claim 1, *supra*. Additionally, Haswell discloses: wherein the project specifications are entered in to the test plan database by coupling a verification matrix database to the test plan database (col. 172, lns. 65-67; col. 173, lns. 1-17).

Claim 4:

Regarding Claim 4, Haswell discloses all the limitation of Claim 1, *supra*. Additionally, Haswell discloses: further comprising associating the verification activities with at least one of the project specifications (col. 72, lns. 1-25; col. 73, lns. 1-20, 20-22).

Claim 5:

Regarding Claim 5, Haswell discloses all the limitation of Claim 1, *supra*. Additionally, Haswell discloses: wherein access to at least one secured verification activity is provided to a secured user (col. 64, lns. 25-31; col. 73, lns. 20-28; col. 93, lns. 60-67; col. 94, lns. 1-9).

Claim 6:

Regarding Claim 6, Haswell discloses all the limitation of Claim 5, *supra*. Additionally, Haswell discloses: wherein an administrator assigns the access of the secured user to the at least

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one secured verification activity (col. 64; lns. 25-31; col. 177, lns. 41-51; col. 78, lns. 29-38, 64-67).

Claim 7:

Regarding Claim 7, Haswell discloses all the limitation of Claim 1, *supra*. Additionally, Haswell discloses: further comprising providing a user-selectable attribute assignable to the verification activities (col. 72, lns. 10-25; col. 73, lns. 20-28).

Claim 8:

Regarding Claim 8, Haswell discloses all the limitation of Claim 7, *supra*. Additionally, Haswell discloses: further comprising providing a predetermined range of values for the user-selectable attribute (col. 15, lns. 50-60; col. 16, lns. 26-35).

Claim 9:

Regarding Claim 8, Haswell discloses all the limitation of Claim 7, *supra*. Additionally, Haswell discloses: wherein the verification activities are accessible by specifying a desired value of the user-selectable attribute (col. 15, lns. 18-30; col. 18, lns. 14-16).

Claim 10:

Regarding Claim 10, Haswell discloses all the limitation of Claim 7, *supra*. Additionally, Haswell discloses: wherein the verification activities are sortable by the user-selectable attribute.

Claim 11:

Regarding Claim 11, Haswell discloses all the limitation of Claim 7, *supra*. Additionally, Haswell discloses: wherein the user-selectable attribute is a verification activity category (col. 14, lns. 63-67; col. 15, lns. 1-17).

Claim 12:

Regarding Claim 12, Haswell discloses all the limitation of Claim 1, *supra*. Additionally, Haswell discloses: wherein the input from the plurality of users includes one of changed text, revised text, removed text, inserted non-text media, revised non-text media, and removed non-text media (col. 16, lns. 26-49; col. 50, lns. 33-43; fig. 9 – Haswell discloses editing specific test script which corresponds to <changed text>; also discloses propagating instantly to all scripts and reporting results of test which correspond to <input from the users>).

Claim 13:

Regarding Claim 13, Haswell discloses all the limitation of Claim 1, *supra*. Additionally, Haswell discloses: wherein the verification activities include at least one of verification activity identifier, a responsible party, a measurement desired, a measurement standard, a date for initiation, a date for conclusion, and a verification activity description (col. 53, lns. 7-26; col. 55, lns. 1-9).

Claim 14:

Regarding Claim 14, Haswell discloses all the limitation of Claim 1, *supra*. Additionally, Haswell discloses: further comprising extracting subset test plans describing less than all of the verification activities (col. 14, lns. 63-67; col. 15, lns. 1-27 – Haswell discloses the test scenarios which contain a plurality of test components).

Claim 15:

Regarding Claim 15, Haswell discloses all the limitation of Claim 1, *supra*. Additionally, Haswell discloses: further comprising communicating the verification activities to a test tracking database (col. 51, lns. 9-13, 24-31; col. 52, lns. 60-67; col. 53, lns. 1-6).

Claim 16:

Regarding Claim 16, Haswell discloses a method for generating a test plan document for governing adherence with project specifications, the method comprising:

- storing in a test plan database a plurality of verification activities for monitoring adherence with project specifications (col. 59, lns. 35-48; col. 73, lns. 52-56);
- entering references to the project specifications into the test plan database (col. 59, lns. 49-63; col. 73, lns. 20-22 – Haswell illustrates the <user requirements> corresponding to project specifications);
- associating each of the verification activities with at least one of the project specifications (col. 72, lns. 1-25; col. 73, lns. 1-20, 20-22);
- providing access to the test plan database to a plurality of users (col. 73, lns. 56-61);
- providing a user-selectable attribute assignable to the verification activities (col. 72, lns. 10-25; col. 73, lns. 20-28);
- receiving input from at least one of the plurality of users, the input being associated with at least one of the verification activities (col. 16, lns. 26-49; col. 50, lns. 33-43; fig. 9);
- updating the test plan database based on the input (col. 74, lns. 16-35); and
- generating a test plan listing at least one of the verification activities stored from the test plan database (col. 73, lns. 20-29; col. 74, lns. 38-47).

Claims 17-19:

Regarding Claims 17-19, these claims are also rejected based upon the same reasoning as Claims 3, 5 and 6, *supra*. Claims 17-19 are claims reciting the same limitation as the Claims 3, 5 and 6.

Claims 20-27:

Regarding Claims 20-27, these claims are also rejected based upon the same reasoning as Claims 8-15, *supra*. Claims 20-27 are claims reciting the same limitation as the Claims 8-15.

Claims 28-42 and 43-57:

Regarding Claims 28-42 and 43-57, these claims are also rejected based upon the same reasoning as Claims 1-15, *supra*. Claims 28-42 and 43-57 are claims reciting the same limitation as the Claims 1-15.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica M. Pyo whose telephone number is 571-272-8192. The examiner can normally be reached on Mon-Fri 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monica M Pyo
Examiner
Art Unit 2161

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12/12/2005

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